UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Stanley R Moore Esq
Jenkins & Gilchrist PC
1445 Ross Avenue Suite 3200
Dallas, TX 75202

EXAMINER
FRENEL, VANEL

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 November 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

11/19/04 has been entered.

Notice to Applicant

2.   This communication is in response to the RCE filed 11/19/04. Claims 1-11 have

been amended. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

3   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rieker et al (5,832,447), Warady et al (6,067,522) in view of Myers (6,601,020).

(A)   As per claim 1, Rieker discloses a computer system for use in a web-based

managed care transaction system, (Col.5, lines 25-67 to Col.6, line 12), the computer

systewm comprising: a memory (See Rieker, Col.7, lines 59-67 to Col.8, line 24), and a set of data tables organized into a logical entity in the memory and including for each member (See Rieker, Col.8, lines 25-49): a set of one or more member history tables associated with the member table, each member history table associated with a given employer plan, wherein said logical entity is persistent over changes to each members' changes within said employer plan (See Warady, Col.4, lines 1-67 to Col.5, line 64).

Rieker and Warady do not collectively disclose a master account table including account setup information for at least one of utilization and login actions for said web-based managed care transaction system, a member table including identity information for at least one member.

However, these features are known in the art, as evidenced by Myers. In particular, Myers suggests a master account table including account setup information for at least one of utilization and login actions for said web-based managed care transaction system, a member table including identity information for at least one member (See Myers, Col.8, lines 28-67 to Col.9, line 40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Myers within the collective teachings of Rieker and Warady with the motivation of providing a load test database which capable of storing login information, security information, captured user simulation scripts, and scenarios (See Myers, Col.3, lines 50-55).

(B)   As per claim 2, Warady discloses the computer system wherein the set of data tables includes an employer table having associate therewith a set of one or more employer plan tables (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker, Warady and Myers are as discussed above in the rejection of claim 1, and incorporated herein.

(C)   As per claim 3, Warady discloses the computer system wherein a given employer plan table identifies a given employer plan (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker, Warady and Myers are as discussed above in the rejection of claim 1, and incorporated herein.

(D)   As per claim 4, Rieker discloses the computer system fudher including a managed care organization (MCO) table having associated therewith a set of one or more MCO product plan tables (Col.1, lines 15-67).

The motivation for combining the respective teachings of Rieker, Warady and Myers are as discussed above in the rejection of claim 1, and incorporated herein.

(E)   As per claim 5, Warady discloses the computer system plan table has associated therewith the set of one or (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker, Warady and Myers wherein a given MCO product more employer plan tables are as discussed above in the rejection of claim 1, and incorporated herein.

(F)   As per claim 6, Warady discloses the computer system wherein a given member

history table has associated therewith a set of one or more coordinated benefits tables

(Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker, Warady and

Myers are as discussed above in the rejection of claim 1, and incorporated herein.

(G)   As per claim 7, Warady discloses the computer system wherein a given member

history table has associated therewith a set of one or more assigned primary care

physician (PCP) tables (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker, Warady and

Myers are as discussed above in the rejection of claim 1, and incorporated herein.

(H)   As per claim 8, Warady discloses the computer system wherein an assigned

PCP table has associated therewith a provider affiliation table (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker, Warady and

Myers are as discussed above in the rejection of claim 1, and incorporated herein.

(I)   As per claim 9, Warady discloses the database wherein the set of data tables

further includes a provider information table (Col.5, lines 1-54).

The motivation for combining the respective teachings of Rieker, Warady and

Myers are as discussed above in the rejection of claim 1, and incorporated herein.

(J)   As per claim 10, Warady discloses the computer system wherein the provider

information table includes a set of one or more provider affiliation tables, a set of one or

more hospital affiliation tables, and a set of one or more provider staff tables (Col.5,

lines 1-54).

The motivation for combining the respective teachings of Rieker, Warady and

Myers are as discussed above in the rejection of claim 1, and incorporated herein.

(K)   As per claim 11, Warady discloses the computer system wherein the set of data

tables includes a staging area table that includes data which tracks the member through

various transaction events (Col.5, lines 42-67 to Col.6, line 11).

The motivation for combining the respective teachings of Rieker, Warady and

Myers are as discussed above in the rejection of claim 1, and incorporated herein.

5.   Claims 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Myers (6,601 ,020), Rieker et al (5,832,447), Warady et al (6,067,522) in view of

Bessette (6,263,330)

(A)   As per claim 12, Rieker discloses a database for storing a set of data tables

organized into a persistent logical entity wherein said logical entity maintains data on

each member in spite of status changes and including for each member (See Rieker

Col.7, lines 1-67): a set of one or more member history tables associated with the

member table, each member history table associated with a given employer plan (See

Warady Col.5, lines 6-54), a web-based managed care transaction system accessible

over a computer network using a client browser, comprising a transaction server (See

Bessette, Col.14, lines 38-67 to Col.15, line 67).

Rieker, Warady and Bessette do not collectively disclose a master account

table including account setup information for at least one of utilization and login

actions for said web-based managed care transaction system, a member table

including identity information for at least one member.

However, these features are known in the art, as evidenced by Myers. In

particular, Myers suggests a master account table including account setup information

for at least one of utilization and login actions for said web-based managed care

transaction system, a member table including identity information for at least one

member (See Myers, Col.8, lines 28-67 to Col.9, line 40).

It would have been obvious to one of ordinary skill in the ad at the time of the

invention to have included the feature of Myers within the collective teachings of Rieker,

Warady and Bessette with the motivation of providing a load test database which

capable of storing login information, security information, captured user simulation

scripts, and scenarios (See Myers, Col.3, lines 50-55).

(B)   As per claim 13, Rieker discloses a plurality of functional modules (Col.5, lines

25-67), a transaction processor (Col.5, lines 25-67), a managed care organization

(MCO) subsystem interfaced to said transaction processor (Col.1, lines 15-67), a

database wherein a logical entity retains data representative of users received

healthcare within said database persistent across changes to a user's healthcare plan
(See Warady, Col.4, lines 1-67 to Col.5, line 64), a network-based managed care
system comprising a network-based server (See Fig.1, Col.6, lines 16-67), at least one
client machine on which a graphical user interface operates (See Bessette, Fig.1, Col.6,
lines 16-67)., a network-based subsystem comprising: a multiplexer (The Examiner
interprets interfaces 702, 704 and 706 to be a form of multiplexer Col.9, lines 17-60).

The collective teachings of Rieker, Warady and Bessette do not explicitly
disclose said database including a master account table for retaining account setup
information for at least one of utilization and login actions for said web-based
managed transaction system, and a member table including identity information for at
least one member.

However, these features are known in the art, as evidenced by Myers. In
particular, Myers suggests said database including a master account table for
retaining account setup information for at least one of utilization and login actions for
said web-based managed transaction system, and a member table including identity
information for at least one member (See Myers, Col.8, lines 28-67 to Col.9, line 40).

It would have been obvious to one of ordinary skill in the art at the time of the
invention to have included the feature of Myers within the collective teachings of Rieker,
Warady and Bessette with the motivation of providing a load test database which
capable of storing login information, security information, captured user simulation
scripts, and scenarios (See Myers, Col.3, lines 50-55).

(C)   As per claim 14, Rieker discloses the network-based managed care system

wherein said functional modules comprise: an enrollment module (Fig.10 A (item 1).,

billing module (Fig.10A (item 2)., messaging module (Fig.10B (items 79-81); and

inquiry module (Fig.10B (item 79).

(D)   As per claim 15, Warady discloses the network-based managed care system

wherein changes to a user's health plan occur as a user changes employment (See

Warady, Col.4, lines 1-67 to Col.5, line 64).

The motivation for combining the respective teachings of Rieker, Warady,

Bessette and Myers are as discussed above in the rejection of claims 1, 12 and 13 and

incorporated herein.

(E)   As per claim 16, Warady discloses the network-based managed care

system wherein changes to a user's health plan occur as a user changes their

healthcare plan (See Warady, Col.4, lines 1-67 to Col.5, line 64).

The motivation for combining the respective teachings of Rieker, Warady,

Bessette and Myers are as discussed above in the rejection of claims 1, 12 and 13 and

incorporated herein.

(F)   As per claim 17, Besette discloses the network-based managed care system

wherein the network comprises an Internet (Col.1, lines 15-35).

The motivation for combining the respective teachings of Rieker, Warady,

Bessette and Myers are as discussed above in the rejection of claims 1, 12 and 13 and

incorporated herein.

(G)   As per claim 18, Warady discloses the network-based managed care system

wherein said the database contains a historical record of care provided to said user

(Col.10, lines 42-67).

The motivation for combining the respective teachings of Rieker, Warady,

Bessette and Myers are as discussed above in the rejection of claims 1, 12 and 13 and

incorporated herein.

(H)   As per claim 19, Warady discloses the network-based managed care system

wherein said persistent logical entity comprises a healthcare administrative record

(Col.4, lines 1-20).

The motivation for combining the respective teachings of Rieker, Warady

Bessette and Myers are as discussed above in the rejection of claims 1, 12 and 13 and

incorporated herein.

(I)   As per claim 20, Warady discloses the network-based managed care system

wherein said persistent logical entity spans a user's change in employment plans (Col.

5, lines 65-67 to Col.6, line 53).

The motivation for combining the respective teachings of Rieker, Warady,

Bessette and Myers are as discussed above in the rejection of claims 1, 12 and 13 and

incorporated herein.

Response to Arguments

6.   Applicant's arguments field on 11/19/04 with respect to claims 1-11 are fully

considered but they are not persuasive. Applicant's arguments will be addressed in the

order in which they appear in the response filed on 11/19/04.

(A)   At pages 5-6 of the 11/19/04 response, Applicant argues that the features in the

11/19/04 amendment are not taught by or suggested by the applied references.

In response, all of the limitations which Applicant disputes as missing in the

applied references, including the features newly added in the 11/19/04 amendment,

have been fully addressed by the Examiner as either being fully disclosed or obvious in

view of the collective teachings of Rieker, Warady, Besette and/or Myers based on the

logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the

invention, as detailed in the remarks and explanations given in the preceding sections of

the Office Action, and incorporated herein. One cannot show nonobviousness by

attacking references individually where the rejections are based on combinations of

references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981), In re Merck &

Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, the test for obviousness is not whether the features of a secondary

reference may be bodily incorporated into the structure of the primary reference, nor is it

that the claimed invention must be expressly suggested in any one or all of the

references. Rather, the test is what the combined teachings of the references would

have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 208

USPQ 871 (CCPA 1981).

Affidavit

37C.F.R 1.131

7.   The Affidavit filed on 10/19/04 under 37 CFR 1.131 has been considered but is
ineffective to overcome the Meyers (6,601,020), Rieker (5,832,447), Waraday
(6,067,522) and Bessette (6,263,330) references.

The evidence submitted herewith of Cheryl A. Setzer is insufficient to overcome
the Meyers' reference of May 3, 2000 because the referenced date of May 14 in the
Affidavit cannot overcome a reference with an earlier priority date May 3, 2000.

Since the declaration was insufficient, Applicant's argument directed to the
rejection of the claims 1-20 used in the previous Office Action was based on the
submission of the combination of the references cited above to reject the claims.
Therefore, Applicant's argument is not persuasive.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769.
The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

V.F

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August 21, 2006

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER